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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,991	04/03/2001	Deborah L. Pinard	PAT 392-2	6420
26123	7590	05/05/2004	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			HOANG, PHUONG N	
			ART UNIT	PAPER NUMBER
			2126	
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,991

Applicant(s)

PINARD, DEBORAH L.

Examiner

Phuong N. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 2, 6 - 11, and 14 - 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 6 - 11, and 14 - 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 2, 6 – 11, and 14 – 37 are pending for examination. Claims 3 – 5, and 12 – 13 are canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 10 – 11, 14 – 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck, US patent no. 6,381,640 in view of Davison, US patent no. 6,400,687.**

4. Beck reference was cited in the last office action.

5. **As to claim 10**, Beck teaches a data-driven communication system, comprising the steps of:

a first layer agent operable to receive data related to the communication (a call is made to a call center, col. 7 lines 41 – 50 and col. 1 lines 63 - 66);

a second layer agent (agent who can best handle the call, col. 7 lines 41 – 50, col. 1 lines 49 – 55, and coll. 13 line 66 – col. 14 line 5) linked to the first layer agent; and

a third layer agent (agent's telephone, col. 7 lines 40 – 49);

a set of predetermined policies/policy chain (routing rules, col. 7 lines 40 – 50) can be established for establishing a communication path between the first agent and the second layer agent (the agent is connected to the call center), and each agent is assigned a phone (col. 7 lines 45 – 50).

Beck does not explicitly teach predetermined policies comprising the first set of policy chain for connecting the first and second agents, and second set of policy chain for connecting the second to the third agent and establish a data-driven path between the first layer and the third layer.

Davison teaches invoking sets of predetermined policies for determining the communication path between agent and device (firing rules 1 – 7, col. 7).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Beck and Davison's system because Davison's first and second sets of rules would clearly define the functionality of each of routing rules in the call center to be easily controlled and maintained when one of the rules is not available.

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6. **As to claim 11**, Beck teaches the steps of wherein the first layer agent is a device agent (a call is made to a call center, col. 7 lines 41 – 50 and col. 1 lines 63 – 66), the second layer agent is a node agent (agent who can best handle the call, col. 7 lines 41 – 50, col. 1 lines 49 – 55, and col. 13 line 66 – col. 14 line 5), and the third layer agent is a destination agent (agent's telephone, col. 7 lines 40 – 49).

7. **As to claim 14**, Beck teaches the step of wherein the first and second communication links form a communication path of a half call (caller made call to the call center, col. 7 lines 40 – 45 and col. 9 line 39 – 45).

8. **As to claim 15**, Beck teaches the step of at least one system feature for modifying the communication path (one of ordinary skill in the art can recognize that it happens when different callers made call).

9. **As to claim 16**, Beck teaches the step of wherein the at least one system feature is an in-call feature (conference, col. 39 lines 54 – 60).

10. **As to claim 17**, Beck teaches the step of wherein the at least one system feature is a data modifying feature (simultaneous communication between two or more agents, col. 39 lines 55 – 65).

11. **As to claims 18**, Beck teaches the step of wherein the at least one system feature is an advanced programmable system feature (the call center is computer enhancement, col. 1 lines 20 – 47 and col. 5 lines 20 – 35).
12. **As to claim 19**, Beck teaches the steps of wherein the first, second and third layer agents are implemented as objects (object model, col. 11 lines 40 – 65 and col. 31 – 32).
13. **As to claims 20 – 22**, Beck teaches the step comprising of a database having tables and entries corresponding to the first, second, and third layer agents, and policies (col. 15 lines 4 – 20, col. 29 lines 65 – col. 30 line 25).
14. **As to claims 23 and 24**, Beck teaches the step of means for configuring the system through the database upon startup (col. 14 lines 35 – 45).
15. **As to claims 25 and 26**, Beck teaches the steps of including a user interface for entering changes to the database and for displaying modifiable icons, representing agents and policies, and modifiable interconnections between them, for facilitating modification of the database (agent's graphical user interface, col. 13 lines 4 – 10 and col. 38 lines 48 - 64).
16. **As to claim 33**, see rejection for claim 18 above.

17. Claims 27 – 32, and 34 - 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck, US patent no. 6,381,640 in view of Davison, US patent no. 6,400,687, and further in view of Kito, US patent no. 5,946,464.

18. Kito reference was cited in the last office action.

19. As to claims 27 and 34, Beck and Davison do not teach the step of wherein at least one advanced programmable system feature is triggered by a tone given for a reason.

Kito teaches the step of wherein at least one advanced programmable system feature is triggered by a tone given for a reason (trigger is generated under the monitoring, col. 5 lines 45 – 50).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Beck, Davison, and Kito's system because Kito's trigger feature would be programmed to control the routing rules and therefore to dispatch the calls more efficiency without user intervention.

20. As to claim 28, Beck and Davison do not teach the step of a trigger table for determining which of the at least one advanced programmable system features is triggered.

Kito teaches a trigger table for determining which of the at least one advanced programmable system features is triggered (trigger database, col. 5 lines 30 – 60).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Beck, Davison, and Kito's system because Kito's trigger table would be necessary to organize the database in the third normalization.

21. **As to claim 29**, Kito teach the step of wherein the trigger table points to a policy chain (one of ordinary skill in the art can recognize that the trigger table is stored a policy).

22. **As to claim 30**, Beck and Davison, modified by Kito teaches the step of wherein the policy chain (routing rules, col. 3 lines 20 – 25) determines the advanced programmable system feature to be triggered (Kito; triggered, col. 5 lines 45 – 50).

23. **As to claim 31**, one of ordinary skill in the art can recognize that a trigger table is associated to an agent so the call can be routed to the agent.

24. **As to claim 32**, Kito teaches the database includes trigger tables (trigger database, col. 5 lines 30 – 60).

25. **As to claims 35 – 37**, see rejection for claims 28 – 30 above.

26. **Claims 1 – 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby, US patent no. 6,002,760 in view of Davison, US patent no. 6,400,687.**

27. **As to claim 1**, Gisby teaches a method for establishing a communication path in a data-driven communication comprising the steps of:

Receiving at the first layer agent, data related to a communication (a call is made to a call center, col. 1 lines 25 – 45);

a second layer agent (agent, col. 1 lines 25 – 45); a third layer agent (agent's phone, col. 4 lines 19 – 25);

predetermined policies/policy chain (routing rules, col. 2 lines 14 – 15, col. 5 lines 45 – 60);

invoking the policies in accordance with data related to the communication (triggered, col. 7 lines 25 – 35).

Gisby does not explicitly teach the predetermined policies comprising a first set of policy chain for connecting the first and second agents, and second set of policy chains for connecting the second to the third agent and establish a data-driven path between the first layer and the third layer

Davison teaches invoking sets of predetermined policies for determining the communication path between agent and device (firing rules 1 – 7, col. 7).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Gisby and Davison's system because Davison's rules set would clearly

define the functionality of each of routing rules in the call center to be easy controlled and maintained when one of the rules is not available.

28. **As to claim 2**, Gisby teaches the steps of wherein the first layer is a destination agent (a call is made to a call center, col. 1 lines 25 – 45); a second layer agent is a node agent (agent, col. 1 lines 25 – 45); a third layer agent is a device agent (agent's phone, col.4 lines 19 – 25).

29. **Claims 6 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby, US patent no. 6,002,760 in view of Davison, US patent no. 6,400,087, and further in view of Beck, US patent no. 6,381,640.**

30. **As to claim 6**, Gisby does not teach receiving the data related to the communication path includes system parameters.

Beck teaches receiving the data related to the communication path includes system parameters (parameters, col. 16 lines 60 – 67).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Gisby, Davison, and Beck's system because Beck's parameters would be helpful for the system to analyze by the routing rules and also for record keeping.

31. **As to claims 7 – 9**, Beck teaches receiving the data related to the communication path includes system date and time (date and time, col. 48 lines 14 – 20).

Response to Arguments

32. Applicant's arguments, filed on 2/10/04, been considered but are moot in view of the new ground(s) of rejection.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
April 28, 2004


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